CASE CITED

STATE v. PACHECO, 106 N.J. Super. 173 (App. Div. 1969), aff'd o.b. 54 N.J. 599 (1969), cert. den. 400 U.S. 834 (1970) 1

UNITED STATES CODE CITED

28 U.S.C. s 1257 (3) 1

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1972

No. 72-520

JOHN HENRY TILLMAN,

Petitioner,

-vs-

STATE OF NEW JERSEY,

Respondent.

MEMORANDUM OPPOSING CERTIORARI

The State of New Jersey opposes petitioner's Application for a Writ of Certiorari to the Superior Court of New Jersey, Appellate Division, in the above-entitled matter. The State does not oppose petitioner's motion to dispense with printing of the petition.

The State denies that this Court has jurisdiction to review this case under 28 *U.S.C.* s 1257 (3) because petitioner has not raised any constitutionally meritorious issues. More specifically, this very issue was before this Court only two years ago in *State v. Pacheco*, 106 *N.J. Super.* 173 (App. Div. (1969); aff'd o.b. 54 *N.J.* 599 (1969), cert. den. 400 *U.S.* 834 (1970). Petitioner has alleged no additional facts that should persuade this Court to grant a Writ of Certiorari.

We are enclosing for your review ten copies of the State's brief in *State v. John Henry Tillman* which was filed with the Superior Court of New Jersey, Appellate Division. The State's Counter-Statement of Facts relevant to this Petition will be found at page 1-13, and 26-39, and the State's Reason For Denying the Writ at pp. 40-50.

In conclusion, the State urges that the Petition for a Writ of Certiorari should be denied.

Respectfully submitted,

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Counsel for Respondent

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Dated: October 26, 1972.

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